

TWENTY-FIVE YEARS AGO†

EXCERPTS FROM OUR STATE MEDICAL JOURNAL

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From Some Editorial Notes:

Malpractice Defense.—As all our members know, the State Medical Society has been defending its members in suits brought for damages for alleged malpractice, subject to certain rules and regulations, since July 1, 1909. [This statement as of July, 1916.] Before referring to the recently approved extension of the work, it may be well to set forth here briefly the rules and regulations covering the operation of the present work.

1. The physician defendant must have been a member in good standing, dues fully paid, at the time of the alleged malpractice, and also at the time when the suit is filed against him.

2. Any member sued, or threatened with suit, must, within forty-eight hours, notify the Secretary of the State Society, forwarding any communications, summons and complaint, or correct copy thereof, with a full statement of the case.

3. If such member is also insured in an indemnity company, he must elect whether to have the company of this Society take charge of his defense; and he must be advised by the Secretary of the Society that if he does not immediately notify the insurance company, he violates his contract with the company and practically cancels his policy, in which event, if a judgment went against him, the company would not be compelled to pay it.

4. An action in the nature of a cross-complaint, brought against a member who has sued a patient to collect an account due within one year from the termination of the services, will not be defended by the Society, unless such member has, before suing his patient, applied to the Council of the State Society for, and received, permission to bring such suit.

5. The Society will not defend a member in an action originating in the treatment of some injury where an x-ray plate would have been of benefit and advantage in making a correct diagnosis, or in correctly treating the patient, and was not so taken, unless the member so sued can furnish the Council with a full and satisfactory explanation of why an x-ray plate was not made and kept by him.

All of these rules are comparatively simple and all of them have been approved by the House of Delegates of the State Society.

In any case where a member is being defended by an insurance company, and in which we feel that it will be desirable to have our own attorneys participate in such defense, we so participate. The Society makes sure that everything which should be done for the protection of its members has been and is being done.

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Paying Judgments.—When the medical defense plan was adopted, the Society decided not to include the settlement of judgments which might go against members. As a result of this decision, quite a good many members, who felt that they might at some time or other have a judgment against them, have carried indemnity insurance with one or more insurance companies. Such a policy with an insurance company costs from \$15 to \$30 a year.

(Continued in Front Advertising Section, Page 7)

BOARD OF MEDICAL EXAMINERS OF THE STATE OF CALIFORNIA†

By CHARLES B. PINKHAM, M. D.

Secretary-Treasurer

News

"The State Senate today defeated, 28 to 7, a bill by Senator John Harold Swan of Sacramento, proposing to set up a separate board for examination and licensing of naturopaths. Opponents charged that the bill was favored by chiropractors, among others, as a method of gaining broader authority for that profession, and contended such a move should be made in the form of amendments to the Chiropractic Act." (San Francisco *Examiner*, May 16, 1941.)

"Governor Olson today vetoed a bill by Assemblyman Roger Pfaff which would have provided that an alien physician or surgeon applying for a license to practice medicine in California be compelled to submit evidence showing that the nation which issued his license admits United States licensed physicians to practice. The measure, which was fought in the Assembly, contained a provision that its restrictions would not apply to persons registered as interns as of March 31, 1941. Declaring that few foreign nations admit United States licensed physicians to practice, the Governor characterized a ban on the services of refugee physicians as a 'needless waste of human knowledge', and said he understood there was a dearth of medical men in national defense programs." (San Francisco *News*, May 10, 1941.)

"The California Physicians' Service today extended its low-cost medical and hospital service by offering a new plan to employ groups throughout the state, the California Medical Association announced. The plan, available to groups of fifty or more employees, offers hospitalization for any illness, operation or accident, and also the doctor's services for all operations in or out of the hospital. The cost to the wage-earner for participation in the plan is \$1.20 a month. For an additional \$1.35 a month, he may secure full hospital services for his wife and children. The plan was expected to appeal to many low-income families." (San Francisco *News*, June 4, 1941.)

"A proposal to establish an organization in San Jose with members securing low-cost medical service under a prepayment plan was outlined to delegates of the Central Labor Council last Friday night by Dr. E. T. Anderson, local physician. Anderson is contacting key union labor organizations in an effort to secure support of the plan. . . . Doctor Anderson is a brother of Dewey Anderson, former Assemblyman of Santa Clara County and now a key member of the well-known Temporary National Economic Committee, whose report on national social and economic conditions is one of the recent highlights of the Roosevelt administration." (San Jose *Union-Gazette*, May 30, 1941.)

"Dr. Nathan S. Housman today won a thirty-day stay in execution of a superior court sentence of one to fourteen years in San Quentin for preparing and offering false evidence. The stay was granted by Judge John T. Nourse of the District Court of Appeal, pending the outcome of an appeal of the case to the United States Supreme Court." (San Francisco *Call-Bulletin*, June 2, 1941.)

† This column strives to mirror the work and aims of colleagues who bore the brunt of Association activities some twenty-five years ago. It is hoped that such presentation will be of interest to both old and new members.

† The office addresses of the California State Board of Medical Examiners are printed in the roster on advertising page 6.